

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

## **ORDER ON DEFENDANTS' MOTION TO CONTINUE**

A rescheduled hearing on the plaintiff's motion for default judgment was scheduled for today. This morning, hours before the hearing, the court received a letter from the defendants requesting a further continuance because they could not take today off from work, and they had "just hired a specialist in foreclosure and modification," a "lawyer we hired," who needed "more time on the case to work with us." Letter From Defs. (ECF No. 36). I will treat the letter as a motion to continue, and I **DENY** the motion.

Default was entered against the defendants on July 1, 2019, after they were served on May 8, 2019, and failed to respond. Order Granting Mot. for Entry of Default (ECF No. 13). A hearing on the plaintiff's motion for default judgment was scheduled for January 13, 2020. Three days before, the court received a letter from the defendants requesting the hearing be rescheduled then because they could not take the day off from work on account of holiday time off. Letter Mot. to Continue Hr'g (ECF No. 29). The court granted the defendants'

request and rescheduled the hearing to today. Order Granting Mot. (ECF No. 31); Notice of Rescheduled Hr'g (ECF No. 33). On February 7, the clerk mailed notice of the rescheduled hearing to the defendants. The plaintiff separately mailed notice of the rescheduled hearing to the defendants on February 10. Hartigan Aff. (ECF No. 35). The defendants acknowledge they received notice of the hearing "11 days ago." Letter From Defs. (ECF No. 36). Yet they waited until the day of the hearing to request a further continuance. This seems to be a pattern. In the meantime, the plaintiff had flown its witness here from Florida.

I conducted the hearing today as scheduled and allowed the plaintiff to enter evidence through the testimony of its Florida witness in support of its motion. However, I will delay entering an order on the motion for default judgment and foreclosure for two (2) weeks to give the defendants time to seek any relief that may be available to them. I therefore **ORDER** the defendants to make any such filing by March 11, 2020, failing which I will proceed to rule on the plaintiff's motion.

**So ORDERED.**

**DATED THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2020**

/S/D. BROCK HORNBY

**D. BROCK HORNBY**

**UNITED STATES DISTRICT JUDGE**